

## **Remarks**

Claims 1 and 23 have been amended. No new matter has been added by way of these amendments.

### **Claim Rejections 35 USC 102**

Claims 1 and 23 have been amended to recite "*wherein the construction of the braking device is such that a braking effect is obtained when the rotation speed of the turbine exceeds a predetermined threshold value and the braking effect is not obtained when under the predetermined threshold value as a result of the quadratic relation.*" Ioanesian (US 3,728,040) does not teach this feature.

Applicant has made it clear in previous responses that Ioanesian does not disclose a "squared" or "quadratic relation" braking effect, but this amendment emphasizes that the braking effect is only obtained above a predetermined threshold value; which Ioanesian does not teach. Even if such a quadratic braking effect were to be implicit (as the examiner argues but is not disclosed in Ioanesian), there is no disclosure of using this quadratic braking relationship to take effect at a predetermined speed as claimed. Moreover, the claim language now makes it clear that it is the "*construction of the braking device*" as described on page 3 lines 4-6 of the application as filed (and recited in the claims), which uses this quadratic relation to provide the braking effect at a particular threshold value.

### **Claim Rejections 35 USC 103(a)**

Applicant also disagree that dependent claim 19 is obvious in view of Ioanesian.

There is a specific advantage to placing the braking device downstream; rather than upstream of the turbine and this is disclosed on page 3 lines 2-3 of the application as filed, which is to not disturb the flow entering the turbine. As a result; it is not necessary to introduce flow straighteners and to reduce rotation of the fluid for improving the efficiency of the turbine.

Such features are not taught in Ioanesian; nor would they be obvious to a person skilled in the art.

Applicant is of the opinion that this reply is fully responsive to all outstanding issues. Accordingly, the application is now deemed to be in condition for allowance, and notice to that effect is solicited. This paper is submitted in response to the Office Action mailed June 17, 2009 for which the three-month date for response was September 17, 2009. Pursuant to 37 C.F.R. § 1.136(a), Applicants petition for an extension of time of three months in which to respond to the Office Action. This three-month extension will bring the deadline for response to December 17, 2009, which is within the six-month statutory period.

Please apply any charges not covered, or any credits, to Deposit Account 50-2183 (Reference Number 21.1106).

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Respectfully submitted,

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